

terms and conditions, and give such other directions as the justice of the case seems to require.

#### COMPENSATION.

Compensation for damages occasioned by any work. VI. Any persons who sustains damage in consequence of land in which he has some estate or interest being overflowed, or otherwise injured by any such works, shall be entitled to compensation for such damage, and shall also be entitled to elect in regard to future damages, whether to have an annual compensation therefor or a gross sum in lieu of all future damages during the continuance of his then estate or interest in the land. 5

Benefit as well as injury to be taken into consideration VII. Such compensation shall be ascertained by taking into account on the one hand, not only any damage occasioned by the works to the land overflowed, but also to any other land of the party, and likewise on the other hand any benefit occasioned to him by the works in relation to his lands. 10

Limitation of past damages. VIII. But he shall have no compensation for any damage sustained more than three years before the institution of the suit therefor. 15

#### COMPENSATION HOW ASCERTAINED AND ENFORCED.

Agreement, &c. IX. The amount of compensation may be determined by agreement, or by arbitration, or by suit.

Special verdict if action is brought for compensation. X. When a person is entitled to compensation under this Act, and the amount thereof has not been already ascertained by agreement, arbitration or suit, and a suit at law is therefore brought to ascertain and recover the same,—or when a suit is brought for an increase or a diminution of the annual compensation, if already ascertained subject to such increase or diminution under this Act—either party, by his pleadings, or in such other manner as the Court in which the suit is brought may, by general or other rules or orders, direct—may, to prevent multiplicity of suits, call for, and shall be entitled to, a verdict embracing the following particulars or any of them : 20 25

What it must show.

Past damages. 1. What sum is due to the plaintiff, in respect of past damages for a period not exceeding three years before the institution of the suit. 30

Yearly sum for future damages. 2. What annual sum (if any) would be a reasonable annual compensation for the damages which may thereafter be occasioned to the plaintiff in respect to his land, by the works, if used as theretofore, or if used in such modified manner as directed by the verdict under the authority of the 3rd section of this Act, and so long as the same are so used. 35

Gross sum for all future damages. 3. What sum in gross would be a reasonable compensation for all the damages which may thereafter be occasioned to the land by the works (if used in a manner conformable to the verdict) for ever, or for such period as the plaintiff's estate in the land continues : 40

If a gross sum was ascertained in a previous suit. But if a gross sum for future damages was ascertained in a former suit under this Act, within ten years before the commencement of the pending suit, the sum so ascertained shall not be open to re-investigation in the new suit, unless the interest which the party to receive the